

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Demarcus Nasson Chaney,

File No. 25-cv-211 (ECT/DLM)

Petitioner,

v.

ORDER

State of Minnesota and
Tracy Beltz, *Warden*,

Respondents.

Petitioner Demarcus Nasson Chaney commenced this action pro se by filing a Notice for Writ of Habeas Corpus. ECF No. 1. This case is before the Court on a Report and Recommendation issued by Magistrate Judge Douglas L. Micko. ECF No. 7. Magistrate Judge Micko recommends dismissing this action as Mr. Chaney’s “filing is simply providing notice of his intent to later file a habeas petition,” and thus, “[t]here is nothing for the Court to do with such a notice.” *Id.* at 3. Additionally, Magistrate Judge Micko denied Mr. Chaney’s request for an extension of time to file a 28 U.S.C. § 2254 habeas petition, and recommended denying his application to proceed *in forma pauperis* (“IFP”). *Id.* at 3–4. Mr. Chaney filed an objection to the Report and Recommendation, but only as to the recommended denial of his IFP application. ECF No. 9. In short, Mr. Chaney asks that his IFP application be granted, even if this action is dismissed. *Id.* Because Mr. Chaney has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge

Micko's analysis and conclusions are correct. As to Mr. Chaney's objection, there is no federal law that would permit a court to grant prospective IFP status for potential later filings.

Separately, Mr. Chaney has filed a motion to proceed IFP which is duplicative of his objection to the Report and Recommendation. ECF No. 10. This motion will be denied.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. Mr. Chaney's objection to the report and recommendation [ECF No. 9] is **OVERRULED**.

2. The Report and Recommendation [ECF No. 7] is **ACCEPTED** in full.

3. Mr. Chaney's Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2] is **DENIED** as moot.

4. Mr. Chaney's motion to proceed *in forma pauperis* [ECF No. 10] is **DENIED** as moot.

5. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 2, 2025

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court